



Alabama

Board for Registration of Architects

SPRING 2004 NEWSLETTER

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FUTURE BOARD MEETINGS:

May 26, 2004
Mobile

August 25, 2004
Montgomery

BOARD MEMBERS:

Joseph L. Bynum
Edward L. Faddis
Marzette Fisher
William W. Herrin, Jr.
Renis O. Jones, Jr.
Jim H. Seay, Jr.

STAFF:

Cindy Gainey
Executive Director

Janet Wells
Executive Secretary

INCIDENTAL PRACTICE TASK FORCE RECOMMENDATIONS

In the fall of 2003, Board member Billy Herrin and a task force of architects, engineers and a building official met to clarify the incidental practice of engineering by architects. The Task Force summarized their work with the following statement: "An architect shall prepare no engineering documents except those clearly defined as 'incidental engineering.' The 'incidental' documents must have supporting data to document, justify and certify information to the permitting or regulatory authority."

The Board reviewed the recommendations of the task force, adopted them, and developed a proposed regulation that would implement them. The text of the regulation is included on page two of this newsletter. You are invited to review this proposal and comment.

DISTRICT NOMINATION MEETINGS

Board member terms for Billy Herrin (north district), Marzette Fisher (north district), and Ed Faddis (south district) will expire in July 2004. The north and north central district nomination meetings will be held on Tuesday, May 25, 2004. The south district nomination meeting will be held on Wednesday, May 26, 2004. Architects whose address of record is in these districts will receive notice of the meeting date, time, and location approximately 30 days prior to the meeting date.

NOTICE OF INTENDED ACTIONS

INTENDED ACTIONS: Amend one regulation and adopt one new regulation.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments must be received in the Board office by Friday, April 30, 2004. Comments may also be transmitted via the COMMENTS tab on the Board's web site.

CONTACT PERSON: Cindy Gainey, Executive Director

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PROPOSED AMENDED REGULATION:

100-X-2-.11 Intern Development Program (IDP). ~~The Board has established that IDP will be mandatory requirement for earning training credits needed to sit for the architect registration examination in accordance with NCARB policy and procedures.~~ All applicants for the Architect Registration Exam (A.R.E.) must complete the Intern Development Program (IDP) training requirements in accordance with guidelines established by the National Council of Architectural Registration Boards (NCARB). In order to encourage and document a timely continuum of the IDP process, an applicant for examination must hold an active NCARB council record for a minimum of two (2) calendar years prior to being granted eligibility for the A.R.E., even if all training requirements have been met by the applicant prior to establishing a council record. Information concerning IDP can be obtained from ~~National Council of Architectural Registration Boards (NCARB)~~, a local chapter of Alabama's the American Institute of Architects (AIA), or the Board.

PROPOSED NEW REGULATION:

100-X-2-.18. Incidental Practice of Engineering.

(1) Clarification: "Incidental Practice of Engineering" shall be clarified as follows:

- (a) The incidental practice of engineering may include a minor engineering item, but not a complete engineering system;
- (b) It is usually of a secondary nature and is typically a smaller portion of the main engineering project;
- (c) It is an addition to the main engineering system and does not affect the primary engineering system; and
- (d) Incidental engineering items are usually included in the architectural drawings.

(2) Requirements/documentation: An architect shall prepare no engineering documents except those documents clearly defined as engineering incidental to the practice of architecture. An architect who performs the incidental practice of engineering must maintain supporting data to document, justify and certify information to the permitting or regulatory authority.

CONSTRUCTION ADMINISTRATION SERVICES

The Board advertised a proposed addition to the Code for Professional Conduct in our Fall 2003 Newsletter. Comments were reviewed at a recent Board meeting, and the following addition to the section entitled "Full Disclosure" was adopted. This provision becomes effective May 1, 2004.

3.7 a. On a project where a building permit has been issued and the sealing architect has not been engaged, or is no longer engaged, to perform at least minimum construction administration services, as defined in subsection b. below, the sealing architect must report to the building official and the Board that he or she has not been, or is no longer, so engaged.

b. The minimum construction administration services expected of the sealing architect deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents that the architect observed.

Commentary: Construction administration is a component of the practice of architecture. § 34-2-30(2), ALA. CODE (1975). When the sealing architect cannot perform construction administration, it is necessary to ensure that another qualified professional performs construction administration services until the project is completed. If the architect informs the Board and the local building official that he or she will not perform such services, the Board and building official can take any steps it deems necessary for the protection of the health, safety, and welfare of the public. As with other architectural services, qualified employees of registered architects may perform construction administration services under the instruction, direct control and supervision of their employers. § 34-2-32a.(1), ALA. CODE (1975).

DISCIPLINARY ACTIONS

W. CURTIS KIRSCH (#2534), Montgomery, Alabama, signed a settlement agreement and order on October 16, 2003, which was adopted by the Board on November 13, 2003. Kirsch pled guilty to and was convicted of Conspiracy in U.S. District Court (a felony involving moral turpitude), which is a violation of Section 34-2-34c. Code of Alabama (1975). Kirsch's registration was revoked effective November 13, 2003.

ROLINDA BROWN (unlicensed), Montgomery, Alabama, signed a settlement agreement and order on December 18, 2003. Brown prepared drawings for a church in Letohatchee, Alabama. Brown agreed that she will not engage in the practice of architecture and paid a \$500 administrative assessment.

RICHARD S. COBB (#4643), Anchorage, Alaska, signed a settlement agreement on August 5, 2003, which was adopted by the Board on November 13, 2003. Cobb deliberately made a materially false statement in connection with his initial application for registration, a violation of Section 34-2-34(3) Code of Alabama (1975) and Section 3.4 of the Code for Professional Conduct. Cobb's registration was suspended for one year, effective December 13, 2003, and he must complete the NCARB monograph entitled "Professional Conduct" within 90 days of approval of the order.

**STATE OF ALABAMA
BOARD FOR REGISTRATION OF ARCHITECTS
770 WASHINGTON AVENUE, #150
MONTGOMERY, AL 36130-4450
<http://www.boa.state.al.us>**

CONGRATULATIONS!

The following individuals passed the Architects Registration Exam since publication of our last newsletter:

Paul B. Bernard – Sheffield, Alabama
R. Platt Boyd, IV – Montgomery, Alabama
Eldred Fletcher – Athens, Alabama
Christine Kirchberg – Birmingham, Alabama
Craig Krawczyk – Birmingham, Alabama
Brian Tibbs – Nashville, Tennessee
H. Harold Yoder – Homewood, Alabama



QUOTABLE QUOTE:

A doctor can bury his mistakes, but an architect can only advise his clients to plant vines.

--Frank Lloyd Wright